

Message Text

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ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 HA-05 AF-10 CIAE-00 COME-00
EB-08 INR-10 LAB-04 NSAE-00 SIL-01 TRSE-00 L-03
DODE-00 PA-01 ICA-11 SP-02 IO-13 /091 W
-----096648 151343Z /46

R 150959Z AUG 78
FM AMEMBASSY TUNIS
TO SECSTATE WASHDC 2135
INFO AMEMBASSY ALGIERS
AMEMBASSY BRUSSELS
AMEMBASSY PARIS
AMEMBASSY RABAT
AMEMBASSY TRIPOLI

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E.O. 11652: N/A
TAGS: PINS, ELAB, TS
SUBJ: SOUSSE TRIAL CONTINUES INTO THIRD WEEK

REF: TUNIS 5503

1. TRIAL JUDGE INTERROGATION OF LAST OF 101 DEFENDANTS
ENDED AUGUST 7. INTERROGATION AND RESPONSES FOLLOWED
BY-NOW FAMILIAR PATTERN: QUESTIONS CHARACTERIZING OBJECTS
FOUND IN UNION HALL AS WEAPONS AND QUESTIONS ABOUT
DEFENDANTS' OPINIONS REGARDING THE GOVERNMENT SOCIAL
AND ECONOMIC POLICY; HEDGED RESPONSES DENYING KNOWLEDGE
OF OBJECTS OTHER THAN STACKED UP BRICKS, PIECES OF WOOD,
AND CLEANING FLUIDS IN THE UNION HALL DURING JANUARY
SIEGE. MOST DEFENDANTS CHARGED MISTREATMENT IN CONFINEMENT
AND DISAVOWED PREVIOUS CONFESSIONS AND AFFIDAVITS
WHICH THEY CHARGED WERE OBTAINED UNDER DURESS. DEFENSE
ATTORNEYS ACTIVELY INTERVENED, CHALLENGING COURT PROCEDURES,
VALIDITY OF EVIDENCE AND NATURE OF CHAROES AND
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QUESTIONING.

2. AS IS USUAL PRACTICE IN TUNISIAN COURTS, PROSECUTION
PRESENTED ITS CASE AFTER PRESIDING JUDGE HAD COMPLETED HIS
QUESTIONING. THIS PHASE OF TRIAL BEGAN ON AUGUST 7.
PROSECUTION REITERATED THE FIVE CHARGES--INCITING
CITIZENS TO ARMED ATTACK, ENCOURAGING ASSEMBLY OF ARMED

PERSONS IN THE STREETS, CACHING ARMS AND AMMUNITIONS, COLLECTING AND DISTRIBUTING ARMS, AND DISTURBING THE PUBLIC ORDER AND TRANQUILITY--AND CALLED FOR THE DEATH PENALTY (CODE PENAL 72-75) TO BE APPLIED BY THE COURT. PRESS SUMMARIES WERE NOT SPECIFIC BUT EVIDENTLY DEATH PENALTY WAS ASKED FOR 39 OF ACCUSED CHARGED WITH MOST SERIOUS CRIMES, AND NOT ALL 101 DEFENDANTS--SEE REFTTEL, PARA 4). PROSECUTION'S DEMAND TRIGGERED A PROTEST TO THE TUNISIAN AMBASSADOR IN PARIS BY ATTORNEYS REPRESENTING CGT, CFDT, AND FEN: RESPECTIVELY, THE COMMUNIST AND FORMER-CHRISTIAN TRADE UNION CENTERS IN FRANCE, AND THE FRENCH EDUCATIONAL FEDERATION.

3. THE NEXT PHASE OF TRIAL OPENED ON AUGUST 9, WHEN AGAIN ACCORDING TO USUAL PRACTICE, DEFENSE ATTORNEYS WERE ALLOWED TO PRESENT THEIR ARGUMENTS. A NUMBER OF ATTORNEYS HAVE BEEN ENGAGED TO DEFEND ONE OR MORE OF THE ACCUSED, AND EACH OF THEM IS BEING GIVEN HIS TURN TO ADDRESS THE BENCH. SOME HAVE YET TO SPEAK, AND DEFENSE COUNSEL PLEADINGS ARE EXPECTED TO CONTINUE INTO MIDDLE OF WEEK. MANY OF THE DEFENSE LAWYERS ARE "YOUNG AND HUNGRY," AND MOST HAVE OPENLY CHARGED THAT TRIAL IS POLITICALLY MOTIVATED. THEIR PLEADINGS OFTEN RECALLED THE PREVIOUS SPIRIT OF COOPERATION WHICH REIGNED BETWEEN PRESIDENT BOURGUIBA AND EX-SECRETARY GENERAL HABIB ACHOUR (NEITHER OF WHOM IS ON TRIAL IN SOUSSE). THE LAWYERS CLEARLY ARE LIMITED OFFICIAL USE

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PLAYING TO THE PRESS AND GALLERY. SEVERAL DEMANDED THAT HABIB ACHOUR BE CALLED AS A DEFENSE WITNESS. COURT HAS NOT, AND PROBABLY WILL NOT, COMPLY. ATTORNEYS' MAJOR SUBSTANTIVE STRATEGIES HAVE BEEN TO BELITTLE THE QUALITY OF EVIDENCE INTRODUCED IN COURT AND TO EMPHASIZE THEIR CLIENTS' CHARGES OF POLICE BRUTALITY. THEY ALSO HAVE TAKEN STRONG ISSUE WITH THE CIRCUMSTANCE IN WHICH THEIR CLIENTS WERE ARRESTED AND INSISTED THAT NO VIOLENT ACTS WERE EVER COMMITTED OR CONTEMPLATED. ACTS OF PROVOCATION COMMITTED BY CERTAIN PARTIES ON REGIONAL UNION HEADQUARTERS IN DAYS PRIOR TO GENERAL STRIKE HAVE ALSO BEEN CITED.

4. PRESS COVERAGE OF TRIAL HAS RANGED FROM SLIGHT TO EXTENSIVE. GOVERNMENT AND PARTY PAPERS HAVE GIVEN LEAST ATTENTION TO TRIAL; INDEPENDENT DAILIES AS-SABAH AND LE TEMPS HAVE RUN DETAILED SUMMARIES OF EACH DAY'S PROCEEDINGS. CURIOUSLY, THE LATTER TWO DAILIES (SEMI-INDEPENDENT) VIRTUALLY BOYCOTTED COVERAGE OF THE PROSECUTION'S CASE IN WHICH IT CALLED FOR CAPITAL PUNISHMENT. BY CONTRAST, L'ACTION AND AL-AMAL (PSD-CONTROLLED DAILIES) PRESENTED EXHAUSTIVE COVERAGE

OF THE TRIAL THAT PARTICULAR DAY. BOTH BEFORE AND FOLLOWING THE PROSECUTION PLEADING, THE PARTY PAPERS HAVE PROVIDED ONLY CAPSULE COVERAGE OF TRIAL. OVER THE LAST FEW DAYS, HOWEVER, L'ACTION HAS PUBLISHED INCREASINGLY STRIDENT EDITORIALS WHICH STRESS THE PREVIOUS RELATIONSHIP BETWEEN UGTT AND CGT, COMMUNIST INFLUENCE IN UGTT BEFORE JANUARY 26, AND FOREIGN INTERFERENCE IN THE ON-GOING SOUSSE TRIAL. MANY FOREIGN OBSERVERS--INCLUDING SEVERAL FROM COMMUNIST AND OTHER LEFTIST ORGANIZATIONS IN EUROPE--HAVE BEEN IN TUNISIA TO WITNESS THE TRIALS. EDITORIALISTS HAVE REPEATEDLY ATTACKED ACTIVITIES OF LIBYAN TRADE UNIONISTS AND "BAATHISTS".

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5. DATE OF ACHOUR TRIAL STILL NOT ANNOUNCED. EMBASSY UNDERSTANDS EXAMINING MAGISTRATE CONTINUES TO QUESTION WITNESSES AND REPORTEDLY SOME OF ACCUSED--INCLUDING ACHOUR. ACCORDING TO OPPOSITION PRESS ACCOUNT (DEMOCRATIE) AND BBC, OTTO KERSTEN, SECRETARY GENERAL OF ICFTU, HAS REQUESTED PERMISSION TESTIFY AT TRIAL OF ACHOUR AND OF OTHER EXECUTIVE BUREAU DEFENDANTS. MULCAHY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: UNION GOVERNMENT RELATIONS, TRIALS, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 15 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978TUNIS05706
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780333-0749
Format: TEL
From: TUNIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780861/aaaabzdc.tel
Line Count: 144
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 6e07f762-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 TUNIS 5503
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1732340
Secure: OPEN
Status: NATIVE
Subject: SOUSSE TRIAL CONTINUES INTO THIRD WEEK
TAGS: PINS, ELAB, TS
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/6e07f762-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014